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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,714	07/14/2000	Mohan Ananda	81045.944	5954

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THE HECKER LAW GROUP  
1925 CENTURY PARK EAST  
SUITE 2300  
LOS ANGELES, CA 90067

EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 10/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	3625
	09/616,714	ANANDA, MOHAN	
Examiner	Art Unit		
Matthew s Gart			

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 September 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4,7-11 and 14-38 is/are pending in the application.
  - 4a) Of the above claim(s) 22-37 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4, 7-11, 14-21 and 38 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11/19/2002 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

Claims 1-4, 7-11 and 14-38 remain pending in this application. Claims 5, 6, 12 and 13 were previously canceled. Claims 22-37 have been withdrawn from consideration without prejudice. The Examiner acknowledges the applicants right to present claims 22-37 in a divisional application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-4, 7-11, 14-21 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Muyres (U.S. Patent Application Publication No. US 2001/0010046).**

Referring to claim 1. Muyres discloses a method for providing secure electronic commerce transactions with multiple merchants (paragraph 0026, "Vendors may easily and cheaply set up virtual stores and use the present invention to distribute and manage the inventory of digital content in those stores.") comprising:

- Establishing a secure communication link between at least one client computer system and a vendor computer system (paragraph 0152);
- Transmitting transaction information between said client computer system and said vendor computer systems enabling a user at said client computer system to

select and purchase, via said vendor computer system, items listed in a merchant computer system by a plurality of merchants without said user having direct access to said merchant computer system (paragraph 0070); and

- Modifying responses from said merchant computer to said client computer system at said vendor computer system thereby controlling information exchange between said merchant computer system and said client computer system through said vendor computer (paragraph 0069).

Referring to claim 2. Muyres further discloses a method wherein said transmitting step further comprises:

- Generating a purchase order for said items after said user's selection of at least one of said items for purchase from said merchant computer system via said vendor computer system (paragraph 0070 to paragraph 0073).

Referring to claim 3. Muyres further discloses a method comprising:

- Obtaining payment from said user (paragraph 0070 to paragraph 0073); and
- Transmitting payment to at least one of said plurality of merchants on behalf of said user (paragraph 0070 to paragraph 0073).

Referring to claim 4. Muyres further discloses a method wherein said payment is obtained by an operator of said vendor computer system (paragraph 0070 through paragraph 0073).

Referring to claim 7. Muyres further discloses a method wherein said step of transmitting transaction information further comprises:

- Displaying one or more icons corresponding to said plurality of merchants at said client computer for user selection (fig. 6);
- Providing said items listed in said merchant computer system to said user at said client computer system via said vendor computer system, upon said user selection of at least one of said one or more icons (fig. 7 through fig. 10e);
- Displaying a merchant icon at said merchants at said client computer for user selection (fig. 6); and
- Upon user selection of said merchant icon, providing the merchant list of items from at least one of said plurality of merchant computer systems to said user at said client computer via said vendor computer system (fig. 7 through fig. 10e).

Referring to claim 8. Claim 8 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 9. Claim 9 is rejected under the same rationale as set forth above in claim 2.

Referring to claim 10. Muyres further discloses a method wherein a vendor of said vendor computer system forwards payments to said one or more merchants for the supplied items on behalf of said user (paragraph 0070 to paragraph 0073).

Referring to claim 11. Muyres further discloses a method wherein said user makes payment to said vendor for said supplied items (paragraph 0070 to paragraph 0073).

Referring to claim 14. Claim 14 is rejected under the same rationale as set forth above in claim 7.

Referring to claim 15. Muyres further discloses a method wherein said step of modifying responses occurs automatically (paragraph 0069).

Referring to claim 16. Claim 16 is rejected under the same rationale as set forth above in claim 15.

Referring to claim 17. Muyres discloses a vendor computer system having computer readable program code embodied therein for implementing a vendor server to enable secure electronic commerce between a user at a client computer system and one or more merchant servers, said program code configured to perform at least the steps of:

- Establishing a secure communication link between a client computer system and a vendor server ((paragraph 0152)); and
- Obtaining merchant content for items listed for sale from a merchant server (paragraph 0070).
- Controlling transaction between said client computer system and said merchant server, said controller comprising modifying links in said merchant content to redirect said links to said vendor server (paragraph 0069); and
- Transmitting said merchant content and modified links to said client computer for presentation to said user (paragraph 0069).

Referring to claim 18. Muyres further discloses a vendor computer system wherein said step of obtaining said merchant content comprises:

- Receiving a user request from said client computer system (fig. 2a and fig. 2b);
- Transmitting said user request to said merchant server (fig. 2a and fig. 2b); and

- Receiving from said merchant server a response comprising said merchant content (fig. 2a and fig. 2b).

Referring to claim 19. Muyres further discloses a vendor computer system wherein said step of receiving said user request comprises identifying said merchant server from a plurality of possible merchant servers (paragraph 0026).

Referring to claim 20. Muyres further discloses a vendor computer system wherein said user request is an order request, and said step of transmitting said user request to said merchant server comprises inserting user order information into said order request (fig. 15).

Referring to claim 21. Claim 21 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 38. Claim 38 is rejected under the same rationale as set forth above in claim 1.

#### ***Response to Amendment***

The declaration filed on 9/8/03 under 37 CFR 1.131 has been considered but is ineffective to overcome the Musgrove U.S. Patent No. 6,535,880 reference.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Musgrove U.S. Patent No. 6,535,880 reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and

their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

Exhibit 1, discloses, "I have enclosed a draft copy of your patent application entitled 'Secure Electronic Commerce Transactions with Multiple Merchants.' Exhibit 1 doesn't show any information contained in or relating to the draft copy.

Exhibit 2, discloses, "I have enclosed a third draft copy of the above referenced patent application." Exhibit 2 doesn't show any information contained in or relating to the third draft copy.

Exhibit 3, discloses, "I have enclosed a fourth draft copy of the above referenced patent application." Exhibit 3 doesn't show any information contained in or relating to the fourth draft copy.

Furthermore, the declaration filed on 9/8/03 under 37 CFR 1.131 is improper because it doesn't include an acknowledgement that:

- Willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon; and
- The evidence submitted establishes a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Musgrove Patent.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-4, 7-11, 14-21 and 38 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

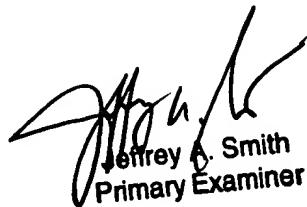
Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

September 23, 2003



Jeffrey A. Smith  
Primary Examiner